

DETAILED ACTION

1. This is to respond Applicant's Amendment filed March 3, 2008 and further respond to the agreement reached in the interview conducted May 13, 2008, in which Applicant agreed to an Examiner's Amendment to amend specification and claims.

2. As necessitated by the Examiner's Amendment, Examiner hereby withdraws objections to claims 25-34 and 36-43, rejections under 35 U.S.C. §112th, first paragraph to claims 35-43 and rejections under 35 U.S.C. § 101 to claims 35-43.

3. After a thorough search and examination of the present application, and in light of the following:

prior art made of record;

Examiner's Amendments made May 13, 2008 which was authorized to amend claims 18, 24 and 35-43, and to cancel claims 22;

a update search on prior art conducted in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc);

Claims 18-21 and 23-43 (renumbered to 1-25) are allowed.

Examiner's Amendments

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this Examiner's Amendments,

listed below was given on May 13, 2008 in a telephone interview with and on May 16, 2008 in an email from Mr. Christian C. Michel (Registration: 46,300).

4.1. Please amend specification, paragraph [0010] as follows:

[0010] The invention provides a method of auditing an election. The method comprises the steps of marking each of a plurality of voted ballots with a unique ballot identification. The voted ballots are scanned and computer readable visual representations of the ballots are generated and analyzed. Vote data is determined for each ballot based on the visual representation generated. Furthermore, the visual representation and the vote data for each ballot are associated with the ballot based on the unique ballot identification. Furthermore, a computer readable medium in accordance with the present invention has stored thereon computer readable and executable instructions, when executed by at least a computer, causes the computer to perform a method of auditing an election wherein exemplary steps of the method control a system to record and audit election results.

4.2. Please amend claims 18, 22, 24 and 35-43 as follows:

18. (Currently Amended) A method of auditing an election, said method comprising the steps of:

marking each of a plurality of voted paper ballots with a unique ballot identification,

scanning said plurality of voted ballots and generating computer readable visual representations of each of said ballots,

analyzing markings in said visual representations indicating a voter's intent made on said plurality of voted ballots and generating vote data associated with each of said plurality of voted ballots based on said visual representations of said ballots,

associating each said visual representation and corresponding vote data with said voted ballot based on said unique ballot identification,

retrieving at least one of said computer readable visual representations,

displaying said computer readable visual representation and said vote data associated therewith on a display device, and

modifying said vote data associated with.

22. (Canceled)

24. (Currently Amended) An election auditing system comprising:

a paper ballot allowing a voter to vote by marking the paper ballot,
a scanner adapted to generate a computer readable visual representation of [[a]] the voted paper ballot,

a processor adapted to analyze markings in said visual representations indicating a voter's intent made on said voted ballot and generate vote data based on said visual representation of said ballot,

said visual representation being associated with said vote data and said voted ballot,

said computer readable visual representations being retrieved,
a display device adapted to display said computer readable visual representation
and said vote data associated therewith, and
wherein said processor is adapted to modify said vote data associated with said
voted ballot and said computer readable visual representation.

35. (Currently Amended) A computer readable medium having computer executable
[[of]] instructions stored thereon, when executed by a computer, performing steps for
controlling a system to record and audit election results comprising:

a first set of instructions adapted to control said system to generate
generating a computer readable visual representation of a voted paper ballot, and
a second set of instructions adapted to control said system to analyze
analyzing markings in said visual representation made on said voted paper ballot
and generate generating vote data based on said visual representation of said voted
ballot, and associate associating said vote data with said visual representation,
retrieving at least one of said computer readable visual representations,
displaying said computer readable visual representation and said vote data associated
therewith on a display device, and
modifying said vote data associated with said voted ballot and said computer

readable visual representation.

36. (Currently Amended) [[A]] The computer readable executable medium of instructions as in claim 35, further ~~comprising a third set of instructions adapted~~ executed to control said system to display at least one said Visual representation and said vote data associated therewith.

37. (Currently Amended) [[A]] The computer readable executable medium of instructions as in claim 35, further ~~comprising a fourth set of instructions adapted~~ executed to control said system to mark said voted ballot with a unique ballot identification.

38. (Currently Amended) [[A]] The computer readable executable medium of instructions as in claim 37, ~~wherein said fourth set is further adapted~~ executed to control said system to associate said unique ballot identification with said vote data and said visual representation.

39. (Currently Amended) [[A]] The computer readable executable medium of instructions as in claim 35, further ~~comprising a fifth set of instructions adapted~~ executed to control said system to store said vote data and said visual representation in a storage device.

40. (Currently Amended) [[A]] The computer readable executable medium of
instructions as in claim 39, wherein said storage device Comprises a database.

41. (Currently Amended) [[A]] The computer readable executable medium of
instructions as in claim 39, wherein said storage device comprises a relational
database.

42. (Currently Amended) [[A]] The computer readable executable medium of
instructions as in claim 39, further comprising a sixth set of instructions adapted
executed to control said system to retrieve at least one record from said storage device,
said record comprising a visual representation of a voted ballot and vote .data
associated with said visual representation and said voted ballot.

43. (Currently Amended) [[A]] The computer readable executable medium of
instructions as in claim 42, further comprising a seventh set of instructions adapted
executed to control said system to receive an input, and modify, said vote data based
on said input.

Reason for Allowable

5. The following is the Examiner's statement of reasons for allowance:

In the Examiner's Office Action, dated November 1, 2007, the non-Final Rejection
under 35 U.S.C. § 103 rejections was made mainly based on the reference of McClure
et al.: "ELECTRONIC VOTING SYSTEM", U.S. Patent 6,250,548, filed 10/16/1997 and

issued 6/26/2001, hereafter "McClure"; and further in view of Challener et al.: "METHOD AND SYSTEM FOR SECURE COMPUTER MODERATED VOTING", U.S. Patent 6,081,793, filed 12/30/1997 and issued 6/27/2000, hereafter "Challener".

In a response filed March 3, 2008 to the Office Action of November 1, 2007, concerning independent claims 18, 24 and 35, Applicant argued that neither McClure nor Challener teaches the claimed features of the independent claims, more specifically the limitations of generating "markings in said visual representations indicating a voter's intent made on said plurality of voted ballots and generating vote data associated with each of said plurality of voted ballots based on said visual representations of said ballots" and "modifying said vote data associated with said voted ballot and said computer readable visual representation".

Based on the argument on the subject matter of **generating markings in said visual representations indicating a voter's intent made on said plurality of voted ballots and generating vote data associated with each of said plurality of voted ballots based on said visual representations of said ballots and modifying said vote data associated with said voted ballot and said computer readable visual representation**, Examiner is persuaded that the high-lighted subject matter is a feature distinguishes from McClure nor Challener's teaching cited for the 35 U.S.C 103 rejections.

Based on the subject matter as amended and incorporated, Examiner is persuaded that the cited reference does not fairly teach or suggest the subject matter described by the combined limitations as highlighted above and further detailed in each of the independent claims 18, 24 and 35.

An update search on prior art in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) has been conducted. The prior art searched and investigated in the domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) do not fairly teach or suggest teaching of the subject matter as described by the combined limitations as highlighted above and further detailed in the Examiner's Amendment in each of the independent claims 18, 24 and 35.

Claims in the groups (19-22), (25-34) and (36-43) are directly or indirectly dependent upon the independent claims 18, 24 and 35, respectively, and are also distinct from the prior arts for the same reason.

After a search and a thorough examination of the present Application and in light of the prior art, Claims 18-22 and 24-43 (renumbered to 1-25) are allowed.

Conclusions

6. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Contact Information

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kuen S. Lu whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571)-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU,

Primary Patent Examiner

Art Unit 2167

May 22, 2008

/Kuen S Lu/

Application/Control Number: 10/023,990
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